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PATENTS, TRADEMARKS
& COPYRIGHTS

November 5, 2013

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Attention: Trademark Trial and Appeal Board

Re: United States Trademark Opposition
Applicant: Fortelinea Software Systems, LLC
Mark: IM PACT
Serial No. 85/863,080

Dear Madam:

Enclosed are an original and a duplicate copy of a Notice of Opposition to registration of the trademark IM PACT, Application Serial No. 85/863,080.

A check in the amount of \$300.00 to cover the Trademark Office fee for filing this opposition to registration is attached. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 02-3690.

Very truly yours,

THEODORE A. BREINER

TAB/evd

Attachments - Original and Duplicate Notice of
Opposition w/Exhibits 1 and 2
- \$300.00 Check

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application of
Fortelinea Software Systems LLC
U.S. Serial No. 85/863,080
Filed: February 28, 2013
Mark: IM PACT
Published in the Trademark
Official Gazette on October 8, 2013

| | | |
|-----------------------------------|---|----------------|
| AGFA HEALTHCARE NV, |) | |
| |) | |
| Opposer, |) | |
| |) | |
| v. |) | Opposition No. |
| |) | |
| FORTELINEA SOFTWARE SYSTEMS, LLC, |) | |
| |) | |
| |) | |
| Applicant. |) | |

- - - - -

NOTICE OF OPPOSITION

Attention: Trademark Trial and Appeal Board
Commissioner For Trademarks
Alexandria, Virginia 22313-1451

Dear Madam:

Opposer, Agfa HealthCare NV, a Belgium corporation,
having a place of business at Septestraat 27, B-2640 Mortsel,
Belgium, believes that it will be damaged by registration of the
mark of Application Serial No. 85/863,080, and hereby opposes the
same.



11-05-2013

As grounds of opposition, it is alleged that:

1. The above trademark application Serial No. 85/863,080 (hereafter "the Application") for registration of the mark IM PACT for computer software for tracking patient specimens, storing patient information and providing laboratory performance metrics, published for opposition on October 8, 2013, in International Class 9, in the Official Gazette of the United States Patent and Trademark Office, was filed on February 28, 2013 by Fortelinea Software Systems LLC, 23 Irving Street, Apartment 8, Boston, Massachusetts 02114-3817 (hereafter "applicant").

2. The Application alleges a date of first use of August 17, 2012. On information and belief, applicant has not used the IM PACT trademark applied for in the Application prior to August 17, 2012.

3. Opposer uses the trademark IMPAX (hereafter "Opposer's Mark") for computers, computer software and computer peripherals and instructional materials sold as a unit for use in the medical field, including digital image management and archiving in the medical field (hereafter "Opposer's Goods").

4. Opposer has registered the Opposer's Mark for Opposer's Goods in the United States Patent and Trademark Office, Registration Nos. 2,804,481 and 2,214,816, true and correct copies of the Trademark Office TESS system records for these registrations are attached hereto as Exhibits 1 and 2,

respectively (hereafter "Opposer's Registrations"). Opposer's Registrations are incontestable.

5. Opposer's Mark is now used in commerce by opposer and has been used by opposer as a trademark for Opposer's Goods since at least as early as December 1991.

6. The goods in connection with which applicant seeks registration of its mark here opposed are so closely related to Opposer's Goods that use or registration by applicant of the mark shown in the Application is likely to cause the public to conclude that applicant's goods originate with, are authorized or sponsored by, or have some connection with opposer, and will cause confusion, or will cause mistake, or will deceive.

7. Use and registration by applicant of the mark sought to be registered for applicant's goods, as set forth in the Application, will tend to cause confusion, or cause mistake or will deceive purchasers erroneously into the belief that applicant's goods are the goods of opposer, or are authorized and/or sponsored by or are otherwise connected with the business of opposer, and would appropriate to applicant substantial amounts of goodwill which opposer has established for opposer's trademark and will substantially damage opposer in the conduct of opposer's business.

8. Opposer has no control over the nature and quality of applicant's goods which are offered by applicant under the mark it seeks to register, and possible dissatisfaction with

applicant's goods, by purchasers or users thereof, would damage opposer's goodwill and reputation.

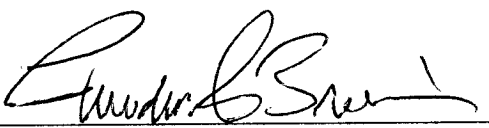
9. If registration of the mark sought here to be registered by applicant is granted to applicant, the effect would be to create for applicant statutory rights under the Trademark Act and such registration would tend to restrict and interfere with, and damage opposer in the unhampered conduct of opposer's business.

10. If applicant were granted a registration for IM PACT, it would thereby obtain at least prima facie exclusive right to use of that mark notwithstanding opposer's long and continuous effort in establishing goodwill in Opposer's Mark. Such a registration in the name of applicant will be a source of damage and injury to opposer.

WHEREFORE, opposer prays that this opposition be sustained and that the Application hereby opposed be refused, and for such other and further relief that may be deemed proper.

Respectfully submitted,

AGFA HEALTHCARE NV

By 
Theodore A. Breiner
Registration No. 32,103
BREINER & BREINER, L.L.C.
115 North Henry Street
Alexandria, Virginia 22314-2903
Telephone (703) 684-6885

November 5, 2013

Attorneys for Opposer

CERTIFICATE OF SERVICE

It is hereby certified that on this 5th day of November 2013, a true copy of the foregoing paper entitled -

NOTICE OF OPPOSITION

was served by First Class Mail, postage prepaid, on applicant's correspondent's address of record as follows:

FORTELINEA SOFTWARE SYSTEMS LLC
23 Irving Street, Apartment 8
Boston, Massachusetts 02114-3817

A handwritten signature in black ink, appearing to read 'Theodore A. Breiner', is written over a horizontal line.

Theodore A. Breiner



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Typed Drawing

| | |
|--------------------------|--|
| Word Mark | IMPAX |
| Goods and Services | IC 009. US 021 023 026 036 038. G & S: computers, computer software and computer peripherals and instruction manuals sold as a unit for use in digital image management and archiving in the medical field. FIRST USE: 19911200. FIRST USE IN COMMERCE: 19911200 |
| Mark Drawing Code | (1) TYPED DRAWING |
| Serial Number | 76488206 |
| Filing Date | February 7, 2003 |
| Current Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | October 21, 2003 |
| Registration Number | 2804481 |
| Registration Date | January 13, 2004 |
| Owner | (REGISTRANT) Agfa Gevaert, N.V. NAAMLOZE VENNOOTSCHAP (CORPORATION) BELGIUM Septestraat 27 B-2640 Mortsel BELGIUM (LAST LISTED OWNER) AGFA HEALTHCARE NV CORPORATION BELGIUM SEPTESTRAAT 27 MORTSEL BELGIUM B-2640 |
| Assignment Recorded | ASSIGNMENT RECORDED |
| Attorney of Record | THEODORE A. BREINER |

Prior Registrations 2214816;2538592
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark IMPAX

Goods and Services IC 009. US 021 023 026 036 038. G & S: computers, computer peripherals and computer programs and instruction manuals sold as a unit for use in digital image management and archiving in the field of medical radiography. FIRST USE: 19911200. FIRST USE IN COMMERCE: 19911200

Mark

Drawing Code (1) TYPED DRAWING

Serial Number 74266810

Filing Date April 17, 1992

Current Basis 1A

Original Filing Basis 1B

Published for Opposition September 22, 1992

Registration Number 2214816

Registration Date December 29, 1998

Owner (REGISTRANT) Agfa-Gevaert NAAMLOZE VENNOOTSCHAP BELGIUM Septestraat 27 Mortsel BELGIUM

(LAST LISTED OWNER) AGFA HEALTHCARE NV CORPORATION BELGIUM SEPTESTRAAT 27 MORTSEL BELGIUM B-2640

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Theodore A. Breiner

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090203.
Renewal 1ST RENEWAL 20090203
Live/Dead Indicator LIVE

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